

**FORTY-SEVENTH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 25, 2005**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Smith(24). Total -- 1.

Total -- 70.

Prayer was offered by Representative Moyle.

The Pledge of Allegiance was led by Hannah Alexander, Page.

**Approval of Journal**

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-sixth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

Mr. Sali asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the Legislative Session. There being no objection, it was so ordered.

February 24, 2005

Mr. Speaker:

I transmit herewith enrolled **SCR 106** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **SCR 106** and, when so signed, ordered it returned to the Senate.

February 24, 2005

Mr. Speaker:

I return herewith enrolled **HCR 6** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 6** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

February 24, 2005

Mr. Speaker:

I transmit herewith **S 1074**, as amended, **S 1120**, and **S 1137** which have passed the Senate.

WOOD, Secretary

**S 1074**, as amended, **S 1120**, and **S 1137** were filed for first reading.

February 24, 2005

Mr. Speaker:

I return herewith **H 66**, **H 51**, **H 59**, **H 91**, **H 24**, **H 39**, and **H 22** which have passed the Senate.

WOOD, Secretary

**H 66**, **H 51**, **H 59**, **H 91**, **H 24**, **H 39**, and **H 22** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 262**, **H 263**, and **H 264**.

FIELD(18), Chairman

**H 263** was referred to the Business Committee.

**H 264** was referred to the Revenue and Taxation Committee.

**H 262** was filed for second reading.

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 11**, as amended in the Senate.

FIELD(18), Chairman

**H 11**, as amended in the Senate, was filed for first reading of engrossed bills.

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 29** and **H 31** to the Governor at 11:40 a.m., as of this date, February 24, 2005.

FIELD(18), Chairman

February 24, 2005

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **HCR 16** and **H 230** and recommend that they do pass.

RAYBOULD, Chairman

**HCR 16** and **H 230** were filed for second reading.

February 24, 2005

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 191**, **H 192**, **HCR 12**, and **S 1078** and recommend that they do pass.

BLOCK, Chairman

**H 191**, **H 192**, **HCR 12**, and **S 1078** were filed for second reading.

February 24, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 54** and recommend that it do pass.

WOOD, Chairman

**H 54** was filed for second reading.

February 24, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 68** and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

**H 68** was placed on General Orders for consideration.

February 25, 2005

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 231** and recommend that it do pass.

BARRACLOUGH, Chairman

**H 231** was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### **Motions, Memorials, and Resolutions**

House of Representatives  
State of Idaho

February 24, 2005

The Honorable Debbie Field  
Chairman, Judiciary, Rules, and Administration Committee

Dear Representative Field:

I hereby designate the Judiciary, Rules, and Administration Committee a privileged committee for the purpose of introducing RS 15074 on Friday, February 25, 2005.

Sincerely,  
/s/ BRUCE NEWCOMB  
Speaker of the House

The letter was ordered filed in the Office of the Chief Clerk.

### **HOUSE CONCURRENT RESOLUTION NO. 17 BY EDUCATION COMMITTEE**

#### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND URGING COLLEGES OF EDUCATION AT IDAHO COLLEGES AND UNIVERSITIES TO INCLUDE A SEGMENT IN THE TEACHER EDUCATION CURRICULUM ADDRESSING RISK FACTORS, PROTECTIVE FACTORS AND TEEN SUICIDE WARNING SIGNS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, during 1999-2001, 559 Idahoans died from suicide, and in the year 2001, 49 were between the ages of 5 and 24 and nearly 6,000 additional suicide attempts were estimated to have occurred among the 15-17 year age group; and

WHEREAS, as a result, teen suicide now ranks as the second leading cause of death among young people in Idaho between the ages of 10 and 18; and

WHEREAS, Idaho's overall suicide rate was 14.4 per 100,000 during 1999-2001, but 22.5 per 100,000 for 15-17 year old boys; and

WHEREAS, Idaho had the seventh highest suicide rate in the nation; and

WHEREAS, 18% of all high school students reported seriously considering attempting suicide in the previous year, and 15% reported they had made a plan for how they would attempt suicide; and

WHEREAS, four out of five young people who attempt suicide exhibit warning signs; and

WHEREAS, the risk factors and protective factors for suicide have been identified and are known; and

WHEREAS, teachers are in contact with youths a major portion of the day and are often the person a teen turns to for guidance and advice.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State Board of Education make every effort to encourage the colleges of education at the colleges and universities of Idaho to include in their teacher education curriculum a segment that addresses youth mental health and trains prospective teachers about the risk factors, protective factors, and suicide warning signs that may be exhibited which should alert professionals to take action to intervene and prevent suicide.

**HCR 17** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

### **HOUSE BILL NO. 265 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO ASSISTED LIVING FACILITIES AND

CERTIFIED FAMILY HOMES; REPEALING SECTIONS 39-3310, 39-3311, 39-3319, 39-3320, 39-3341, 39-3342, 39-3343, 39-3344, 39-3346, 39-3347, 39-3348, 39-3350, 39-3353, 39-3359, 39-3370, 39-3371, 39-3372, 39-3373, 39-3374, 39-3375, 39-3376, 39-3377, 39-3378, 39-3379, 39-3380, 39-3381, 39-3382, 39-3383, 39-3384, 39-3385, 39-3386, 39-3387, 39-3388, 39-3389, 39-3392, 39-3393, 39-3501, 39-3503, 39-3504, 39-3505, 39-3510, 39-3511, 39-3513, 39-3514, 39-3515, 39-3517, 39-3518, 39-3520, 39-3521, 39-3522, 39-3523, 39-3524, 39-3525, 39-3530, 39-3531, 39-3532, 39-3533, 39-3540, 39-3541, 39-3542, 39-3543, 39-3544, 39-3545, 39-3546, 39-3547, 39-3548, 39-3549, 39-3550, 39-3551, 39-3552, 39-3553, 39-3554A, 39-3555, 39-3556, 39-3557, 39-3558, 39-3559, 39-3560, 39-3569, 39-3570, 39-3572, 39-3573, 39-3573A, 39-3574 AND 39-3576, IDAHO CODE; AMENDING THE HEADING FOR CHAPTER 33, TITLE 39, IDAHO CODE; AMENDING SECTION 39-3301, IDAHO CODE, TO REVISE LEGISLATIVE INTENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3302, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 39-3303, IDAHO CODE, TO CLARIFY PROVISIONS GOVERNING PAYMENT LEVELS; AMENDING SECTION 39-3304, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3305, IDAHO CODE, TO SPECIFY ISSUES TO BE GOVERNED BY RULE; AMENDING SECTION 39-3306, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-3307, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REQUIRE NOTICE OF OPTIONS TO PROSPECTIVE RESIDENTS; AMENDING SECTION 39-3308, IDAHO CODE, TO SPECIFY ASSESSMENT CRITERIA TO BE EMPLOYED; AMENDING SECTION 39-3309, IDAHO CODE, TO REVISE CONTENT OF NEGOTIATED SERVICE AGREEMENT; AMENDING SECTION 39-3313, IDAHO CODE, TO GOVERN CONTENT OF ADMISSION AGREEMENTS; AMENDING SECTION 39-3315, IDAHO CODE, TO GOVERN CONTENT OF ADMISSION RECORDS; AMENDING SECTION 39-3316, IDAHO CODE, TO GOVERN RESIDENT RIGHTS AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 39-3318, IDAHO CODE, TO GOVERN RESPONSE TO INCIDENTS AND COMPLAINTS; AMENDING SECTION 39-3321, IDAHO CODE, TO REQUIRE THAT ADMINISTRATORS MUST BE LICENSED; AMENDING SECTION 39-3322, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REQUIRE NOTICE CONCERNING LIABILITY INSURANCE; AMENDING SECTION 39-3324, IDAHO CODE, TO GOVERN STAFF TRAINING REQUIREMENTS; AMENDING SECTION 39-3325, IDAHO CODE, TO SPECIFY REQUIREMENTS FOR LOCATION AND PHYSICAL ENVIRONMENT OF FACILITIES; AMENDING CHAPTER 33, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3326, IDAHO CODE, TO REQUIRE A POLICY GOVERNING MEDICATIONS; AMENDING SECTION 39-3330, IDAHO CODE, TO PROVIDE FOR THE ADVISORY COUNCIL AND TO SPECIFY MEMBERSHIP; AMENDING SECTION

39-3331, IDAHO CODE, TO PROVIDE POWERS AND DUTIES OF THE ADVISORY COUNCIL; AMENDING SECTION 39-3332, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REQUIRE MEETINGS; AMENDING SECTION 39-3333, IDAHO CODE, TO GOVERN REIMBURSEMENT FOR EXPENSES OF MEMBERS; AMENDING SECTION 39-3340, IDAHO CODE, TO REQUIRE LICENSING; AMENDING SECTION 39-3345, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-3349, IDAHO CODE, TO SPECIFY RESPONSIBILITY FOR INSPECTIONS AND TECHNICAL ASSISTANCE; AMENDING SECTION 39-3351, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3352, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-3354, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3354A, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-3355, IDAHO CODE, TO STRIKE CERTAIN INSPECTION REQUIREMENTS; AMENDING THE HEADING FOR CHAPTER 35, TITLE 39, IDAHO CODE; AMENDING CHAPTER 35, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3501, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT; AMENDING SECTION 39-3502, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 39-3506, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-3507, IDAHO CODE, TO GOVERN ADMISSIONS; AMENDING SECTION 39-3508, IDAHO CODE, TO REVISE ASSESSMENT CRITERIA; AMENDING SECTION 39-3509, IDAHO CODE, TO REVISE CONTENT OF THE NEGOTIATED SERVICE AGREEMENT AND TO AUTHORIZE A PLAN OF SERVICE; AMENDING CHAPTER 35, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3511, IDAHO CODE, TO CREATE THE ADVISORY COUNCIL AND TO SPECIFY THE MEMBERSHIP; AMENDING SECTION 39-3516, IDAHO CODE, TO GOVERN RESIDENT RIGHTS; AMENDING SECTION 39-3519, IDAHO CODE, TO SPECIFY ACCESS BY ADVOCATES AND REPRESENTATIVES; AMENDING SECTION 39-3561, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO GOVERN CONTENT OF RULES; AMENDING SECTION 39-3562, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO GOVERN BACKGROUND CHECKS; AMENDING SECTION 39-3563, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-3564, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-3565, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-3566, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO GOVERN PROCEDURE FOR DENIAL OR REVOCATION OF A CERTIFICATE; AMENDING SECTIONS 39-3567 AND 39-3568, IDAHO CODE, TO REDESIGNATE THE SECTIONS; AMENDING CHAPTER 35, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3527,

IDAHO CODE, TO PROVIDE RESPONSIBILITY FOR INSPECTIONS AND TECHNICAL ASSISTANCE; AMENDING SECTION 39-3571, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-3575, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO CLARIFY THE TYPE OF AGREEMENTS COVERED; AMENDING SECTION 39-3577, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO AUTHORIZE RULES; AMENDING SECTION 39-3578, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3579, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-3580, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO SPECIFY APPLICATION OF THE PROVISIONS OF THIS CHAPTER; AND AMENDING SECTION 63-701, IDAHO CODE, TO CORRECT A CODE CITATION.

**HOUSE BILL NO. 266**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO DUTIES OF THE COUNTY RECORDER; AMENDING SECTION 31-2401, IDAHO CODE, TO PROVIDE FOR ELECTRONIC STORAGE METHODS FOR RECORDS; AMENDING SECTION 31-2402, IDAHO CODE, TO PROVIDE FOR RECORDING OF INSTRUMENTS THROUGH APPROVED ELECTRONIC STORAGE SYSTEMS, TO ALLOW THE RECORDER TO REFUSE TO RECORD ANY DOCUMENT WHICH IS NOT AUTHORIZED BY LAW TO BE RECORDED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-2402A, IDAHO CODE, TO PROVIDE FOR ELECTRONIC COPYING PROCESSES OR ELECTRONIC STORAGE DEVICES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-2404, IDAHO CODE, TO ALLOW THE RECORDER TO CREATE AN ELECTRONIC MANAGEMENT SYSTEM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-2410, IDAHO CODE, TO PROVIDE FOR AN APPROVED ELECTRONIC STORAGE AND RETRIEVAL SYSTEM WHEN THE RECORDER MUST ENDORSE THE RECORD AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-2411, IDAHO CODE, TO PROVIDE FOR AN INSTRUMENT NUMBER, TO PROVIDE FOR A SUITABLE REFERENCE NUMBER TO ENABLE DIRECT RETRIEVAL OF THE RECORDED DOCUMENT FROM THE ELECTRONIC SYSTEM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-2417, IDAHO CODE, TO REVISE STANDARDS FOR LIABILITY FOR NEGLIGENCE IN RECORDING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-2419, IDAHO CODE, TO PROVIDE FOR PUBLIC ACCESS TERMINALS AND TO PROVIDE FOR PENALTIES FOR PERSONS INSPECTING THE RECORDS WHO ATTEMPT TO ALTER THE RECORDS; AMENDING SECTION 55-810, IDAHO CODE, TO PROVIDE FOR AN APPROVED ELECTRONIC STORAGE SYSTEM CONTAINING SEGREGATED SEARCHABLE AND RETRIEVAL FILES; AND AMENDING SECTION 55-1910, IDAHO CODE, TO PROVIDE FOR AN

APPROVED ELECTRONIC STORAGE SYSTEM AND TO PROVIDE FOR ELECTRONIC SEGREGATED SEARCHABLE AND RETRIEVAL FILES.

**HOUSE BILL NO. 267**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO FEES OF THE COUNTY RECORDER; AMENDING SECTION 31-3205, IDAHO CODE, TO AUTHORIZE THE RECORDER TO NEGOTIATE A FEE FOR COPYING DOCUMENTS UNDER CONDITIONS SPECIFIED, TO PROHIBIT DOCUMENTS TO BE HANDLED BY OTHERS AND TO REQUIRE LEGIBLE WRITING OR TYPEFACE ON DOCUMENTS; AND AMENDING SECTION 55-1909, IDAHO CODE, TO PROVIDE THAT FEES SHALL BE AS PROVIDED FOR THE COUNTY RECORDER.

**HOUSE BILL NO. 268**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO HOSPITALIZATION OF MENTALLY ILL PERSONS; AMENDING SECTION 66-320, IDAHO CODE, TO REVISE EXCEPTIONS TO THE RIGHT OF VOLUNTARY PATIENTS TO BE RELEASED AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 66-326, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO DETENTIONS WITHOUT HEARINGS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 269**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO CHARITABLE RAFFLES; AMENDING SECTION 67-7702, IDAHO CODE, TO FURTHER DEFINE TERMS; AND AMENDING SECTION 67-7710, IDAHO CODE, TO PROVIDE REGULATION OF AND LIMITATIONS ON HOLIDAY CHRISTMAS TREE FUNDRAISERS BY THE LOTTERY COMMISSION.

**HOUSE BILL NO. 270**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO ELECTIONS OF HIGHWAY COMMISSIONERS; AMENDING SECTION 40-1305, IDAHO CODE, TO PROVIDE FOR THE ELECTION OF HIGHWAY COMMISSIONERS BY SUBDISTRICT AND TO MAKE A TECHNICAL CHANGE.

**HOUSE BILL NO. 271**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO WATER, SEWER OR WATER AND SEWER DISTRICTS; AMENDING CHAPTER 32, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3239, IDAHO CODE, TO PROVIDE FOR THE DISSOLUTION OF A WATER, SEWER OR WATER AND SEWER DISTRICT UPON THE TRANSFER OF ITS ASSETS TO A MUNICIPALITY AND TO PROVIDE THE PROCESS AND CONDITIONS REQUIRED; AND DECLARING AN

EMERGENCY.

### Adjournment

**H 265, H 266, H 267, H 268, H 269, H 270, and H 271** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1074**, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

**S 1120 and S 1137**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

Mr. Denney moved that the House adjourn until 10:45 a.m., Monday, February 28, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:15 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

### First Reading of Engrossed Bills

**H 11**, as amended in the Senate, by Revenue and Taxation Committee, was introduced, read the first time by title and filed for second reading.

### Second Reading of Bills and Joint Resolutions

**S 1005, S 1006, and S 1007**, by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

**H 202 and H 208**, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

**H 72, H 73, H 74, H 75, H 88, H 159, and H 163**, by Business Committee, were read the second time by title and filed for third reading.

**H 222 and H 224**, by State Affairs Committee, were read the second time by title and filed for third reading.

### Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 28, 2005. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

### Consideration of Messages from the Governor and the Senate

February 25, 2005

Mr. Speaker:

I return herewith **H 126** which has passed the Senate.

WOOD, Secretary

**H 126** was referred to the Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House advanced to the Sixteenth Order of Business.